

# Notice of Allowability

Application No.

09/736,134

Examiner

Jason M. Borlinghaus

Applicant(s)

PELLEGRINI, DANTE

Art Unit

3693

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/22/07.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

**Claims 1 – 22 are allowed.**

The following is a statement of reasons for indication of allowable subject matter.

The prior art fails to teach or suggest, the limitations of:

A method/system of transferring ownership of an asset comprising "...issuing tokens having pre-defined values...selecting at least one token upon or after the total cumulative value of the issued tokens reaches a predefined cumulative value...". (as in Claims 1, 11 and 14).

A method of transferring ownership of an asset comprising the steps of "specifying an asset value...issuing tokens having pre-defined values...selecting at least one token upon or after the total cumulative value of the issued tokens reaches the asset value...". (as in Claim 10).

Such claim limitations appear in all independent Claims.

It is well known in the art for to issue tokens to participants, to probabilistically select one such token and to transfer ownership of an asset to the participant holding the selected token. Such systems and methods are traditionally known as lotteries, raffles or sweepstakes.

Furthermore, it is also well known in the art for tokens to be continuously issued until the set time for the drawing of the winning token, with the cumulative number of tokens issued having no effect upon the timing of the drawing.

For example, a state lottery for one million dollars does not issue a set or limited number of lottery tickets for the drawing. Nor does a state lottery condition the drawing upon the issuance of a set number of tickets or whether the issued tickets reach a pre-defined value. Rather, a state lottery will issue as many tickets as possible up until the set time for the drawing. Such continuous sales allows for the lottery organizer to maximize their profit, although each additional issued ticket further reduces the chances of any particular ticket-holder of winning the established prize.

The instant application distinguishes from these common practices by assigning a pre-defined value to each token and conducting the selection of the winning token when the total cumulative value of the issued tokens reaches a predefined cumulative value.

Kanter (US Patent 5,537,314) discloses a method/system for issuing tokens (points) having pre-defined values (dollar amounts) and transferring ownership of an asset (merchandise) to the participant holding the token (point). (see col. 4, lines 39 – 47). However, in this regard, the method/system does not function utilizing a probability-based selection but is merely allowing participants to purchase merchandise based upon the quantity of tokens they have accumulated. Additionally, Kanter also discloses, in another embodiment, utilizing probability selection (raffle) in which participants submit tokens (entries) for selection. (see col. 5, lines 22 – 28). However, neither this patent,

alone nor in combination with others, discloses nor suggests the feature of selecting a token upon or after the total cumulative value of the issued tokens reaches a predefined cumulative value.

Walker (Walker, Leslie. *Where You Can Get Rich Click*. *The Washington Post*. Washington, DC. November 18, 1999. p.E01) discloses a method/system for issuing tokens (points, serving as contest entries), probabilistically selecting a token (point), and transferring ownership of an asset (sweepstake prize) to the participant holding the token (point). (see pE01). However, neither this non-patent literature reference, alone nor in combination with others, discloses nor suggests the feature of assigning tokens a predefined value and selecting a token upon or after the total cumulative value of the issued tokens reaches a predefined cumulative value.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571) 272-6924. The examiner can normally be reached on 8:30am-5:00pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Borlinghaus (JMB)

September 7, 2007

 9-10-07  
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